

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KELLIS DJON JACKSON,

Petitioner,

v.

WARDEN C. HOLINKA,

Respondent.

ORDER

10-cv-193-slc¹

On June 4, 2010, the court ordered respondent Holinka to show cause why this petition should not be granted if, as alleged, the 2000 Parole Guidelines were applied retroactively to petitioner Kellis Jackson. The court did not order respondent to show cause on Jackson's claim that he was denied a timely parole hearing, having concluded the claim was moot.

Now before the court is Jackson's motion to reconsider his claim that he was denied a timely parole hearing. He argues that the court could order the Commission to hold a District of Columbia parole hearing retroactive to the date at which he was entitled to a hearing. He relies on dicta in *Thomas v. Brennan*, 961 F.2d 612, 618 (7th Cir. 1992), which states as follows:

Granted, were we to find that Thomas was entitled to a D.C. hearing on August 21, 1988, we could order the Commission to hold a D.C. hearing retroactive to that date, with retroactive annual hearings through the present.

Since similar relief could at least theoretically be available here, the court will reconsider and order respondent Holinka to show cause why the petition should not issue

¹ For the purpose of issuing this order, Judge William M. Conley is acting for the court.

on the ground Jackson was denied a timely parole hearing. The court will allow respondent until July 12, 2010 to file his complete response and Jackson may have until August 2, 2010 to file his reply.

ORDER

IT IS ORDERED that:

1. Petitioner Kellis Jackson's motion for reconsideration is GRANTED.
2. Respondent is ordered to show cause not later than July 12, why petitioner's writ of habeas corpus should not be granted on both his *ex post facto* claim and his claim that he was denied a timely parole hearing..
3. Petitioner may have until August 2, 2010 to file his reply to the response.

Entered this 16th day of June, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge